

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-35 and 37-45 are presently active in this case. The present Amendment amends Claims 1, 12, 34, and 37 without introducing any new matter or raising new issues; and cancels Claim 36 without prejudice or disclaimer.

Claims 1-45 were rejected under 35 U.S.C. §103(a) as unpatentable over Savage, III et al. (U.S. Publication No. 2001/0009014, herein "Savage") in view of Burridge (U.S. Patent No. 6,430,567) and Jong (U.S. Patent No. 6,173,250).

Addressing now the rejection of Claims 1-45 under 35 U.S.C. §103(a), that rejection is traversed.

Independent Claims 1, 12 and 34 are amended to recite all the features of dependent Claim 36. In consequence, dependent Claim 36 is cancelled and the dependency of Claim 37 is changed. Since these features have already been considered by the outstanding Office Action,¹ the changes to Claims 1, 12 and 34 are not believed to raise any new issues.

Applicants respectfully submit all the references Savage, Burridge, and Jong used by the outstanding Office Action to form the §103(a) fail to teach or suggest verifying information of the at least two participants, wherein the information includes an identification of the participants using information of a subscriber identification module SIM in the terminals, as recited in amended Claim 1, and as now similarly recited in the other independent Claims 12 and 34.

As explained in Applicants' specification from page 1, line 29 to page 2, line 14 with corresponding Figure 1, Claim 1 improves upon background communication methods because participants can communicate with each other in a communication round by using

¹ See the outstanding Office Action at page 12, lines 7-19.

terminals which are interconnected via a network, and a communication forum can be established with text-free rounds of communication. The claimed invention thus leads to improved voice communication forums.

Turning now to the applied references, Savage describes a method for facilitating conferences between a plurality of web clients on a network.² Savage's teachings are concerned with reliable real-time audio or video communication over the internet, and propose an internet conference system including a farm of media servers administered by a dispatch server. The media servers are part of the video conference system infrastructure, and do not read on the communication terminals of Claim 1.

In Savage's method, a client 108 connects with a webpage 112 to allow communication with the network operation center NOC 100.³ However, Savage further teaches that the webpage 112 gives to the client 108 the IP address of authentication server 106 and an account number or authentication code which is used for authentication purposes.⁴ Accordingly, transmitting an IP address and an authentication code, as taught by Savage, *is not* verifying information of the at least two participants, wherein the information includes an identification of the participants using information of a subscriber identification module (SIM) in the terminal.

Savage's teachings are not directed a communication method using communication between individual terminals, and managed by a chat server, but are directed to media conferences facilitated on a plurality of media servers, with web clients connecting to relevant media servers.⁵ Savage further teaches that a client 108 sends a request 206 to a dispatch server 102 with a plurality of parameters, including conference name, account number, user name, web host IP, operating system, browser, browser version, sound card,

² See Savage in the Abstract.

³ See Savage at page 4, paragraph 47, lines 1-6 and in corresponding Figure 1.

⁴ See Savage at page 4, paragraph 47, lines 12-16, and at paragraph 48, lines 1-6.

⁵ See Savage in the Abstract and at page 2, paragraphs 11-12.

sound card driver, etc.⁶ Sending parameters to a dispatch server, such as host IP address, user name, browser information as taught by Savage, all internet-related information, does not read on information of the at least two participants, wherein the information includes an identification of the participants using information of a subscriber identification module SIM, as recited in Claim 1.

The reference Burridge does not remedy the deficiencies of Savage. Burridge describes a facility to make a user viewing a webpage aware of other users viewing the same webpage, and allows collaboration between the multiple users through the same webpage.⁷ However, Burridge again fails to teach or suggest the verifying of information of the at least two participants, wherein the information includes an identification of the participants using information of a SIM in the terminals. Burridge merely mentions user identification information, and that a user enters personal data such as name, address and email address over input fields on a registration webpage 402, and storage of the data in a database on a server 408.⁸ Burridge also states that the registration can be done by cookie-driven auto-registration technique.⁹ Therefore, Burridge *fails to teach or suggest* that verifying of information of the at least two participants is performed, and that the information includes an identification of the participants using information of a SIM module, located in the terminals. Burridge's invention is directed to the access of a webpage,¹⁰ *and not* the interconnection of at least two terminals for communication purposes.

The reference Jong is also silent on the verifying of information of the at least two participants, wherein the information includes an identification of the participants using information of a subscriber identification module SIM in the terminals, as recited in

⁶ See Savage at page 5, paragraph 50.

⁷ See Burridge in the Abstract and in Figure 1.

⁸ See Burridge at column 7, lines 52-63 and in corresponding Figure 4.

⁹ See Burridge from column 7, line 64 to column 8, line 5.

¹⁰ See Burridge at column 3, lines 13-35.

Applicants' Claim 1. Jong is concerned with speech recognition and the transmission of the thereby decoded data as text data packets.¹¹

In addition, Applicants respectfully submit that the reference Shteyn et al. (U.S. Patent No. 6,782,253, herein "Shteyn") used in the outstanding Office Action to support the 35 U.S.C. §103(a) rejection of Claims 25-26, 30, and 35-36 does not qualify as prior art against the present Application.¹² The present Application has a U.S. filing date of January 29, 2001 and is a national stage application filed under 35 U.S.C. §371 of a PCT application, with the international filing date of May 14, 1999. In accordance with 35 U.S.C. §371(c)(2), the U.S. national stage filing is an English translation of the PCT application. Thus, there is no need to submit a certified English translation to establish entitlement to the priority date of May 14, 1999. Accordingly, Applicants respectfully request that the reference is not prior art because it has a 35 U.S.C. §102(e) date of August 10, 2000, which is after May 14, 1999.

In view of the above arguments, even if the combination of Savage, Burridge and Jong is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed verifying information of the at least two participants, wherein the information includes an identification of the participants using information of a subscriber identification module SIM in the terminal. Accordingly, in view of amended, independent Claim 1, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.¹³

Independent Claims 12 and 34 recite limitations analogous to the limitations recited in independent Claim 1. Moreover, Claims 12 and 34 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the

¹¹ See Jong in the Abstract and in Figure 1.

¹² See the outstanding Office Action at page 12, lines 16-19.

¹³ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 12 and 34, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Applicants further respectfully submit that none of the applied references Savage, Burridge and Jong teach or suggest the features of dependent Claim 41. In particular, none of the references teach or suggest that a menu structure and data related to the menu is uploaded by using at least one of a short message service SMS or unstructured supplementary services data USSD to the at least two terminals. Savage recites that “[t]o access the system, a one-time download of a lightweight client, e.g., a browser plug-in, is required.”¹⁴ Therefore, a user has to actively download software by himself, since Savage’s clients accesses particular web interfaces by this software. Therefore, Savage fails to teach or suggest that a menu structure and data related to the menu *is uploaded* by using at least one of a *short message service SMS* or unstructured *supplementary services data USSD* to the at least two terminals, as recited in dependent Claim 41.

Burridge does not remedy the deficiencies of Savage, since Burridge describes that a response can be a chat or email applet that allows a user to chat or to send a message by using the web browser 302 on the client computer 504.¹⁵ Accordingly, Burridge is concerned with providing a graphical user interface for a webpage on a computer, and fails to teach or suggest that a menu structure and data related to the menu is uploaded to the communication terminal by using at least one of a short message service SMS or unstructured supplementary services data USSD. The reference Jong is also silent on such a feature.

The outstanding Office Action points out to Neumann (U.S. Patent No. 6,594,255) and states that “SMS was well-known in the art at the time of invention.”¹⁶ Applicants

¹⁴ See Savage at page 2, paragraph 12, lines 9-10.

¹⁵ See Burridge at column 9, lines 4-30 and in Figure 5B.

¹⁶ See the outstanding Office Action at page 7, lines 2-4.

respectfully submit that assuming, *in arguendo*, that SMS were well-known, dependent Claim 41 is directed to menu upload by using at least one of a short message service SMS or unstructured supplementary services data USSD. Neumann does not teach or suggest such a feature, since Neumann's system is directed to a method for sending and displaying short messages from an IP network to users which are connected to a telephone network, for example a private branch exchange (PBX).¹⁷ Neumann explains that text messages are sent from an IP user to a smart telephone 17 that can display these messages.¹⁸ Accordingly, Neumann fails to teach or suggest that the menu structure and data related to the menu is uploaded by using at least one of short message service SMS or unstructured supplementary services data USSD to the at least two terminals, as recited in Applicants' dependent Claim 41. Neumann does not upload any data related to a menu structure or data related to a menu.

Furthermore, it is not clear from the record how the teachings in Neumann's text messages for a PBX compatible phone with a display could be utilized in Savage. Under such a modification, Neumann's short messages sent to a smart phone on the PBX would have to be modified to be sent through webpage over Savage's streaming media servers to video conference clients. Such a modification would require a substantial reconstruction or redesign of the elements of Savage's management of a plurality of media servers for multi-point connection, and would change the basic principle of operation of the Savage. Savage is not interested in displaying text messages on phones sent from an IP user. There is no evidence that a person of ordinary skill in the art would be motivated to perform such changes and redesign.¹⁹

¹⁷ See Neumann in the Abstract, at column 1, lines 22-39 and at column 2, lines 52-63.

¹⁸ See Neumann at column 4, lines 21-59 and in corresponding Figure 1.

¹⁹ See In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (reversing an obviousness rejection where the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.")

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejection under 35 U.S.C. §103(a), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to Claims 1, 12 and 34 merely recite limitations previously introduced in Claim 36, and the changes to Claim 37 is of a minor nature. It is therefore respectfully requested that under 37 C.F.R. §1.116 the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-35 and 37-45 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

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